App. F. IX-4

Previous References 1928-29 (Land)

File No. 77-28

Serial Nos. 1-4

Later References

Land 77-28, 5.

✓ 8 B (10)

General and Revenue Secretariat.

Serial Nos. four.

Part B for Feby 1929.

SUBJECT

Appeal Enhancement of Land Revenue in Kalan Taluka
Case No. 5 of 1928-29 (Govt. V.S. Nadiyadwala)

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4. up 1505 of 9.8.29
Directs that Govt. Advocate to move
the Chief Court to enhance the assessment

Enhancement of sentence in
Govt v Narayanaya

General and Revenue Secretariat

Law File No. 77 2774/P of 1928

App F. III—2]

Serial No.

Letter Jc 134 of 28-29 dated 25/26 Dec 1928, from the Distt Magte, Kolar requesting that the Ch. ct. be moved to enhance the sentence in S.C. case 5 of 28-29.

The offence committed was attempt to commit murder under sec 307 IPC. The accused pleaded guilty, sentenced to 6 months S.I. by the Sessions Judge did not press for a heavier sentence.

The Dist. opines that the circumstances of the case did not call for a heavy punishment but is of opinion that the sentence awarded is very lenient & requests that the Ch ct be moved for enhancement.

Submitted for orders

29.12.28

Secy) 31/12

The circumstances under which the offence is committed seem to call for a heavy sentence. Ch. ct may be moved in revision to enhance the sentence.

If appd, G.A will be asked to prefer a revision petn

2nd Jan

Agree 31/12

CSB

2/1/29

OFFICE OF THE SECRETARY OF COUNCIL
2 JAN. 1929
No. S.D. 25

on discussing with the Asst Secy I think the Records have been examined and fwd to Govt.

Law 1/1/29

Note—Contn. sheet

WD 021—GPB—30,000—21-8-28

Serial No.

Susp Regn No. 30

Draft to Regr, Ch Ct putuk

DOY 25.1.29

Issue at once. 25/1

1 To, the Registrar, Chief Court P 3885 / dated 25.1.29 requesting him to obtain & forward records in A.S.C.C. 76 28.9.

Sus A DOY 26.1.29

3 Letter R O C 955/28.29 dated 5th Feb 29 from the Registrar, Chief Court forwarding records called for -

The order of the Committing magistrate is flagged H. The proff of the Sessions Judge is flagged G. The evidence of the boy Jaunga who was thrown into the well is flagged C.

The accused is aged 28. No motive for the Crime is specifically alleged, but the Committing magistrate thinks that it must be to inherit the whole of the ancestral properties. In the Exam^n under Sec 342 Cr.P.C, the accused simply says that he was angry & did the act. Why he was angry is not explained.

It is for orders whether G.A may be asked to file a revision for enhancement of Sentence - the date of the Sessions Judge's order is 20-12-1928.

Nov^r.

DOY 7.2.29

The judgment of the Sessions Judge does not give an

NOTE – Contn. sheet

WD 021—GPB—30,000—21-8-28

Serial No.

adequate idea of the gravity of the crime. His impression of it would in all probability have been far different if he had heard the prosecution witnesses himself. The accused seems to have cleverly avoided this risk by going scot-free with a light punishment by pleading guilty and throwing himself on the mercy of the court. The offence committed by him seems to have been in fact a very serious one. The case for the prosecution was to the effect that the accused induced the boy to accompany him to a certain village and on the way when it was dark he threw the boy into a well and went away, and that the boy was rescued only on the next morning by the passers-by who were attracted to the spot by his cries and that it was an accident that the boy was not drowned. The accused did not contradict this version of the case nor even make any statement in extenuation of his guilt. There was absolutely nothing to show that he had any cause for provocation and the only explanation no value could therefore be attached to the only explanation he offered viz. that he threw the boy into the well thoughtlessly in a fit of anger. The Sentence of six months' simple imprisonment for such a deliberate attempt to commit murder as the accused was charged with seems to be too light a p

NOTE—Contn. sheet

General and Revenue Secretariat | File No | of 19

Serial No.	
	A draft P.O. requesting the Govt. Adv. to move the High Court to enhance the sentence under S. 439 Cr. P. Code is put up. The usual period of 60 days for filing a revision petition has elapsed. But the case calls for the interference of the H.C. and the Govt. Advocate may request the Court to admit the petition on that ground. Secy)
4	A.M. Nellai Govt Adv: P 4305 6 dated 8/4 Sanctioning the filing of a Revision Petn

B
Rdy
19.2.29

WD 021—GPB—30,000—21-8-28

2774/P&G

In all future correspondence please quote—
No. 134/28-29
Encls. Encl (one)

District Magistrate,
OFFICE OF THE ~~DEPUTY COMMISSIONER~~
KOLAR DISTRICT.

Dated, Kolar, the 23rd December *1928.*

26.

Law 77-28-1

FROM

A.K.Syed Taj Peeran, Esq.,B.A.,
~~Deputy Commissioner~~ District Magistrate,
Kolar District.

To

B.Nagappa, Esq.,Bar-Law.,
Legal Remembrancer and
Secretary to the Government of Mysore,
Law *Department,*
Bangalore.

Laws

SIR,

I have the honour to forward herewith a copy of the judgment passed by the Sessions Judge in K.S.C.5 of 28-29 - (Government vs. Narayaniga) and to state that the sentence awarded by the learned Sessions Judge seems to be extremely though, as a matter of fact, from the circumstance of the case heavy punishment was not called for. I therefore request that the Government may be pleased to instruct the Government Advocate to move the Chief Court of Mysore for the enhancement of the sentence.

I have the honour to be,
S i r,
Your most obedient servant,

A.K. Syed Taj Peeran

District Magistrate,
Kolar District.
22/12

A.R.
22/12/28.

2

In the Court of Sessions. Bangalore Division, at Kolar.

Kolar, dated the 30th day of November 1928.

Present:-A.Sreenivasaraghavachari, Esq.,B.A.,B.L.,
Sessions Judge.

Kolar Sessions Case No.5 of 1928-29.

Government of Mysore. Complainant.

Vs.

Narayanna. Accused.

Charge:- Section 307 I.P.C.

Judgment.

1. In this case the accused is charged with an offence under Section 307 Indian Penal Code, (attempt to commit murder) and - committed to take his trial before this Court. The accusation - against him is that on 25-8-1928 at about sunset he drpped his younger brother Ganga aged nine years into the drinking water well of Bandamindapalli with the intention of causing his death.

2. The accused ~~pleaded~~ pleads guilty to the charge, which was read out and explained to him. In his further examination by this Court under Section 342 Criminal Procedure Code as to why he did the act he says that he got angry and did so. He also says he feels sorry for the act and that he committed the offence (ಅಜ್ಞಾನದಿಂದ) owing to ignorance. He throws himself on the mercy of the Court.

3. It may be observed that the accused has throughout been consistent and straightforward that in the statement made before the lower Court also he admitted having done the act. I convict him on his plea of guilty under Section 271 (2) Criminal Procedure Code. The Public Prosecutor does not press for a heavy sentence. Having regard to the ~~exi~~ circumstances and offence I sentence the accused to six months simple imprisonment.

Written and Pronounced in open Court.

Sd/-A.Sreenivasaraghavachari,
Sessions Judge. 30-11-28.

Office of the District Magistrate, Kolar District.
No. Dated, Kolar, the 6th December 1928.

Memo.

Copy of the above is forwarded to the Special 1st Class Magistrate Chickballapur for information.

2. To the District Superintendent of Police, Kolar.

3. Copy to the Government Advocate in Mysore, Bangalore.

A.R.4.
6/12/28.

For District Magistrate.
Kolar District.

(3)

A. F. F. VI. G1]

SUBJECT.....

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Diary No. of letter replied to.....

Section Law

File No. 77-29

Serial No. 2

No. P. 3885

General and Revenue Secretariat

( )

the 192

To The Registrar,
Chief Court of Mysore,
Bangalore.

Date of issue 25-1-29

Signed by.....

Sir,

I am directed to request you to ~~Call for~~ obtain & forward for reference at a very early date ~~and send to this office~~ the records relating to Kolar Sessions Case 5 of 1928-29 on the file of the Sessions Judge Bangalore.

I have etc.

for Secy to Govt
Law

List of enclosures.....

Copied by .....

Examined by .....

over

Telgm :
"JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 5TH FEBRUARY ***192 9.***

R. O. C. No. 955 / 28-9 El: Rems.

Law 77-28-3

FROM

T. Singaravelu Mudaliar, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

TO

P. MAHADEVAYYA, ESQ., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, BANGALORE.

SIR,

I am directed to forward herewith the entire records in Kolar Sessions Case No. 5 of 1928-29 on the file of the Sessions Judge, Bangalore as requested in your letter No. P.3885/Law 77-28 dated 25th January 1929.

I have the honour to be,

Sir,

Your most obedient servant,

REGISTRAR.

TAN.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

Leave 11-'28-1

Read:-

Letter No. J.C. 134 of 28-29 dated 23/26th December 1928 from the District Magistrate, Kolar, ~~recommending~~ suggesting for the reasons stated that the Chief Court be moved to enhance the sentence ~~awarded on 20th November 1928 by the Sessions Judge~~ of six months' simple imprisonment awarded on conviction under S.307, I.P.C. in ~~under S.307, I.P.C.~~ to the accused in Kolar Sessions case No.5 of 1928-29 (Government Vs.Narayaniga).

****

ORDER No.P. 4305-6

Dated Bangalore the 25th January 1929.

Proceed with the District Magistrate's ~~sanction~~ request. The Government Advocate ~~is requested to take~~ to move the Chief Court to enhance the sentence passed ~~necessary action in the matter~~. in the case under S.439, Cr.P.Code

For Secretary to Government
Law Department.

To

The District Magistrate, Kolar.

The Government Advocate.

C.M.

To P 4307 Records
the Registrar Ch Ct

Sir,

I am directed to return herewith the records relating to Kolar Sessions Case No.5 of 1928-29 forwarded with your letter No. 955/28-29 dated 5.2.29.

Copy to the Govt. Advocate for information with reference to Pro. No.4305-6 dated 8/2/29.

Proceedings of the Government of His Highness
the Maharaja of Mysore.

.....

R e a d:--

Letter No.J.C. 134 of 28-29 dated 25/26th December 1928 from the District Magistrate, Kolar, suggesting for the reasons stated that the Chief Court be moved to enhance the sentence of six months simple imprisonment awarded to the accused on conviction under Section 307 Indian Penal Code in Kolar Sessions case No. 5 of 1928-29 (Government Vs. Narayaniga).

O r d e r, No.

Dated, Bangalore the February 1929.

Government agree with the District Magistrate and direct the Government Advocate to move the Chief Court to enhance the -- sentence passed in the case under Section 439 Criminal Procedure - Code.

For Secretary to Government,
Law Department.

To

The District Magistrate, Kolar.

The Government Advocate, Bangalore.

TD.